

REMARKS

The Examiner's consideration and reconsideration of this application is sincerely appreciated.

The only bases for rejection are obviousness-type double patenting in light of the assignee's prior U.S. Patent No. 5,788,230; and provisional obviousness-type patenting based upon pending application Serial No. 10/704,525. Reconsideration of these rejections is respectfully requested.

The claims of the current application are not rendered obvious by the cited patent and application. The examiner has asserted that the subject matter now claimed is obvious in light of these earlier cases. However, these cases do not teach the claimed inventions of the current application. No other patent is cited in support of the position that it is obvious in the context of this invention to have each individual symbol in the available symbol set appear in each detector position with the same frequency.

Applicant respectfully disagrees that the claimed combinations are obvious to one of ordinary skill in the art. Gaming machines of various types do not typically have the same frequency of appearance of symbols in each position. To speculate that such would have been obvious has not been supported by a sufficient showing of obviousness. Instead, it has been merely asserted by the Examiner. Given the manner in which many or most gaming machines operate, the claimed invention is not obvious.

Patent No. 5,788,230 does not teach, suggest, nor render obvious the novel concept in the combination of this gaming machine that the symbol selector associates symbols so that each individual symbol of an available symbol set has the same frequency of

association for each of the plurality of detection positions. To the contrary, the patent speaks to the apparent randomness achieved by traversal through a maze, unpredictable action of the balls, off-center balance of the balls, random or player selection of the various playing zones, or equivalent action of other visible elements passing through the maze. The teaching of that patent achieves assignment of symbols to the multiple detection positions by randomly assigning the symbols to the multiple detection positions. However random assignment of symbols to all the various detection positions does not necessarily equate to achieving the same frequency of appearance for the many available symbols for each detection position. This patent suggests that randomness is applied only to the group of multiple detectors, not that each detector position has the same frequency of appearance of a particular symbol.

Pending application Serial No. 10/704,525 also does not render obvious the claims of this application. The specification speaks to having similar percentage odds of winning as traditional slot machines. This is achieved in traditional slot machines by having control over the frequency of occurrence for the various *combinations of symbols* that appear on multiple reels during play. Thus, the probabilities are determined by the game processor with each combination of multiple symbols as the controlled parameter. Otherwise there could not be statistical control to achieve a desired payout percentage. Given the need to achieve desired payout percentages and the fact that payouts are based on combinations of symbols, this cannot fairly be said to be obvious. Such is needed to ensure profitable operation. Thus there is no indication that each reel symbol unto itself will occur with equal frequency on each of the traditional slot machine reels. To the contrary, it may be

necessary to not achieve such similitude of occurrence in order to achieve the desired payout percentage.

U.S. Patent No. 3,383,111 states at col. 2, line 57, that:

A so-called "bonanza" or premium hole 14 is provided in the upper portion of the board 1. Pins 16 above and around this premium hole 14 are arranged closer together and in a more obstructive pattern than the pins 11 at the other holes so as to provide more shielding of the approach to the receiving trough 17.

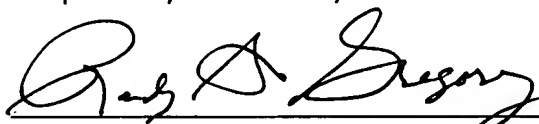
Clearly this approach is not directed to having similar frequency of occurrence of the ball at the premium hole. This reference further does not appear to show changed values or other symbols at the various holes into which the ball or balls may fall.

Nor do any of the other references appear to teach the novel combination claimed in the current application. It is earnestly believed that the claims of this application define new and non-obvious apparatuses and methods.

Allowance of this application is believed appropriate and is respectfully requested.

Respectfully Submitted,

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